

Calendar No. 660

110TH CONGRESS
2D SESSION**S. 2098****[Report No. 110–308]**

To establish the Northern Plains Heritage Area in the State of North Dakota.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2007

Mr. DORGAN (for himself and Mr. CONRAD) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

APRIL 10, 2008

Reported by Mr. BINGAMAN, with an amendment and an amendment to the
title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Northern Plains Heritage Area in the State
of North Dakota.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Plains Herit-
5 age Area Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) HERITAGE AREA.—The term “Heritage
4 Area” means the Northern Plains Heritage Area es-
5 tablished by section 3(a).

6 (2) MANAGEMENT ENTITY.—The term “man-
7 agement entity” means the management entity for
8 the Heritage Area designated by section 3(d).

9 (3) MANAGEMENT PLAN.—The term “manage-
10 ment plan” means the management plan for the
11 Heritage Area required under section 5.

12 (4) MAP.—The term “map” means the map en-
13 titled “Proposed Northern Plains National Heritage
14 Area”.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (6) STATE.—The term “State” means the State
18 of North Dakota.

19 **SEC. 3. ESTABLISHMENT.**

20 (a) IN GENERAL.—There is established in the State
21 the Northern Plains National Heritage Area.

22 (b) BOUNDARIES.—The Heritage Area shall consist
23 of—

24 (1) a core area of resources in Burleigh,
25 McLean, Mercer, Morton, and Oliver Counties in the
26 State; and

1 (2) any sites, buildings, and districts within the
2 core area recommended by the management plan for
3 inclusion in the Heritage Area.

4 (c) MAP.—A map of the Heritage Area shall be—

5 (1) included in the management plan; and

6 (2) on file and available for public inspection in
7 the appropriate offices of the National Park Service.

8 (d) MANAGEMENT ENTITY.—The management entity
9 for the Heritage Area shall be the Northern Plains Herit-
10 age Foundation, a nonprofit corporation established under
11 the laws of the State.

12 **SEC. 4. ADMINISTRATION.**

13 (a) IN GENERAL.—For purposes of carrying out the
14 management plan, the Secretary, acting through the man-
15 agement entity, may use amounts made available under
16 this Act to—

17 (1) make grants to the State or a political sub-
18 division of the State, nonprofit organizations, and
19 other persons;

20 (2) enter into cooperative agreements with, or
21 provide technical assistance to, the State or a polit-
22 ical subdivision of the State, nonprofit organizations,
23 and other interested parties;

1 ~~(3) hire and compensate staff, including individ-~~
 2 ~~uals with expertise in natural, cultural, and histor-~~
 3 ~~ical resources protection and heritage programming;~~

4 ~~(4) obtain money or services from any source,~~
 5 ~~including under any other Federal law or program;~~

6 ~~(5) contract for goods or services; and~~

7 ~~(6) carry out any other activity that—~~

8 ~~(A) furthers the purposes of the Heritage~~
 9 ~~Area; and~~

10 ~~(B) is consistent with the approved man-~~
 11 ~~agement plan.~~

12 ~~(b) DUTIES.—The management entity shall—~~

13 ~~(1) in accordance with section 5, prepare and~~
 14 ~~submit a management plan for the Heritage Area to~~
 15 ~~the Secretary;~~

16 ~~(2) give priority to implementing actions cov-~~
 17 ~~ered by the management plan, including assisting~~
 18 ~~units of local government, regional planning organi-~~
 19 ~~zations, and nonprofit organizations in carrying out~~
 20 ~~the approved management plan by—~~

21 ~~(A) carrying out programs and projects~~
 22 ~~that recognize, protect, and enhance important~~
 23 ~~resource values in the Heritage Area;~~

1 (B) establishing and maintaining interpre-
2 tive exhibits and programs in the Heritage
3 Area;

4 (C) developing recreational and educational
5 opportunities in the Heritage Area;

6 (D) increasing public awareness of, and
7 appreciation for, natural, historical, scenic, and
8 cultural resources of the Heritage Area;

9 (E) protecting and restoring historic sites
10 and buildings in the Heritage Area that are
11 consistent with the themes of the Heritage
12 Area;

13 (F) ensuring that clear, consistent, and ap-
14 propriate signs identifying points of public ac-
15 cess and sites of interest are posted throughout
16 the Heritage Area; and

17 (G) promoting a wide range of partner-
18 ships among governments, organizations, and
19 individuals to further the Heritage Area;

20 (H) consider the interests of diverse units of
21 government, businesses, organizations, nonprofit
22 groups, and individuals in the Heritage Area in the
23 preparation and implementation of the management
24 plan;

1 (4) conduct meetings open to the public at least
2 semiannually regarding the development and imple-
3 mentation of the management plan;

4 (5) for any year for which Federal funds have
5 been received under this Act—

6 (A) submit an annual report to the Sec-
7 retary that describes the activities, expenses,
8 and income of the management entity, including
9 any grants to any other entities;

10 (B) make available to the Secretary for
11 audit all records relating to the expenditure of
12 the Federal funds and any matching funds; and

13 (C) require, with respect to all agreements
14 authorizing the expenditure of Federal funds by
15 other organizations, that the organizations re-
16 ceiving the Federal funds make available to the
17 Secretary for audit all records concerning the
18 expenditure of the funds; and

19 (6) encourage by appropriate means economic
20 viability that is consistent with the Heritage Area.

21 (c) PROHIBITION ON THE ACQUISITION OF REAL
22 PROPERTY.—The management entity shall not use Fed-
23 eral funds made available under this Act to acquire real
24 property or any interest in real property.

1 (d) **COST-SHARING REQUIREMENT.**—The Federal
 2 share of the cost of any activity carried out using any Fed-
 3 eral funds made available under this Act shall be 50 per-
 4 cent.

5 (e) **OTHER SOURCES.**—Nothing in this Act precludes
 6 the management entity from using Federal funds from
 7 other sources for authorized purposes.

8 **SEC. 5. MANAGEMENT PLAN.**

9 (a) **IN GENERAL.**—Not later than 3 years after the
 10 date of enactment of this Act, the management entity shall
 11 submit to the Secretary for approval a proposed manage-
 12 ment plan for the Heritage Area.

13 (b) **REQUIREMENTS.**—The management plan shall—

14 (1) incorporate an integrated and cooperative
 15 approach for the protection, enhancement, and inter-
 16 pretation of the natural, cultural, historic, scenic,
 17 and recreational resources of the Heritage Area;

18 (2) take into consideration State and local
 19 plans;

20 (3) include—

21 (A) an inventory of—

22 (i) the resources located in the core
 23 area described in section 3(b)(1); and

24 (ii) any other property in the core
 25 area that—

1 (I) is related to the themes of the
2 Heritage Area; and

3 (II) should be preserved, re-
4 stored, managed, or maintained be-
5 cause of the significance of the prop-
6 erty;

7 (B) comprehensive policies, strategies and
8 recommendations for the conservation, funding,
9 management, and development of the Heritage
10 Area;

11 (C) a description of actions that govern-
12 ments, private organizations, and individuals
13 have agreed to take to protect the natural, his-
14 torical and cultural resources of the Heritage
15 Area;

16 (D) a program of implementation for the
17 management plan by the management entity
18 that includes a description of—

19 (i) actions to facilitate ongoing col-
20 laboration among partners to promote
21 plans for resource protection, restoration,
22 and construction; and

23 (ii) specific commitments for imple-
24 mentation that have been made by the
25 management entity or any government, or

1 ganization, or individual for the first 5
2 years of operation of the Heritage Area;

3 ~~(E)~~ the identification of sources of funding
4 for carrying out the management plan;

5 ~~(F)~~ analysis and recommendations for
6 means by which Federal, State, and local pro-
7 grams may best be coordinated to carry out this
8 Act, including recommendations for the role of
9 the National Park Service in the Heritage Area;
10 and

11 ~~(G)~~ an interpretive plan for the Heritage
12 Area; and

13 ~~(4)~~ recommend policies and strategies for re-
14 source management that consider and describe the
15 application of appropriate land and water manage-
16 ment techniques, including the development of inter-
17 governmental and interagency cooperative agree-
18 ments to protect the natural, historical, cultural,
19 educational, scenic, and recreational resources of the
20 Heritage Area.

21 ~~(c)~~ DEADLINE.—If a proposed management plan is
22 not submitted to the Secretary by the date that is 3 years
23 after the date of enactment of this Act, the management
24 entity shall be ineligible to receive additional funding

1 under this Act until the date on which the Secretary ap-
2 proves a management plan.

3 ~~(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT~~
4 ~~PLAN.—~~

5 ~~(1) IN GENERAL.—~~Not later than 180 days
6 after the date of receipt of the management plan
7 under subsection (a), the Secretary, in consultation
8 with the State, shall approve or disapprove the man-
9 agement plan.

10 ~~(2) CRITERIA FOR APPROVAL.—~~In determining
11 whether to approve the management plan, the Sec-
12 retary shall consider whether—

13 ~~(A) the management entity is representa-~~
14 ~~tive of the diverse interests of the Heritage~~
15 ~~Area, including governments, natural and his-~~
16 ~~toric resource protection organizations, edu-~~
17 ~~cational institutions, businesses, and rec-~~
18 ~~reational organizations;~~

19 ~~(B) the management entity has afforded~~
20 ~~adequate opportunity, including public hearings,~~
21 ~~for public and governmental involvement in the~~
22 ~~preparation of the management plan; and~~

23 ~~(C) the resource protection and interpreta-~~
24 ~~tion strategies contained in the management~~
25 ~~plan, if implemented, would adequately protect~~

1 the natural, historical, and cultural resources of
2 the Heritage Area.

3 ~~(3) ACTION FOLLOWING DISAPPROVAL.—~~If the
4 Secretary disapproves the management plan under
5 paragraph (1), the Secretary shall—

6 (A) advise the management entity in writ-
7 ing of the reasons for the disapproval;

8 (B) make recommendations for revisions to
9 the management plan; and

10 (C) not later than 180 days after the re-
11 ceipt of any proposed revision of the manage-
12 ment plan from the management entity, ap-
13 prove or disapprove the proposed revision.

14 ~~(4) AMENDMENTS.—~~

15 (A) IN GENERAL.—The Secretary shall ap-
16 prove or disapprove each amendment to the
17 management plan that the Secretary determines
18 would make a substantial change to the man-
19 agement plan.

20 (B) USE OF FUNDS.—The management
21 entity shall not use Federal funds authorized by
22 this Act to carry out any amendments to the
23 management plan until the Secretary has ap-
24 proved the amendments.

1 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2 (a) ~~IN GENERAL.~~—Nothing in this Act affects the au-
3 thority of a Federal agency to provide technical or finan-
4 cial assistance under any other law.

5 (b) ~~TECHNICAL AND FINANCIAL ASSISTANCE.~~—

6 (1) ~~IN GENERAL.~~—On the request of the man-
7 agement entity, the Secretary may provide financial
8 assistance and, on a reimbursable or nonreimburs-
9 able basis, technical assistance to the management
10 entity to develop and implement the management
11 plan.

12 (2) ~~COOPERATIVE AGREEMENTS.~~—The Sec-
13 retary may enter into cooperative agreements with
14 the management entity and other public or private
15 entities to provide technical or financial assistance
16 under paragraph (1).

17 (3) ~~PRIORITY.~~—In assisting the Heritage Area,
18 the Secretary shall give priority to actions that as-
19 sist in—

20 (A) conserving the significant natural, his-
21 toric, cultural, and scenic resources of the Her-
22 itage Area; and

23 (B) providing educational, interpretive, and
24 recreational opportunities consistent with the
25 purposes of the Heritage Area.

1 ~~(c) CONSULTATION AND COORDINATION.—To the~~
 2 ~~maximum extent practicable, the head of any Federal~~
 3 ~~agency planning to conduct activities that may have an~~
 4 ~~impact on the Heritage Area is encouraged to consult and~~
 5 ~~coordinate the activities with the Secretary and the man-~~
 6 ~~agement entity.~~

7 ~~(d) OTHER FEDERAL AGENCIES.—Nothing in this~~
 8 ~~Act—~~

9 ~~(1) modifies or alters any laws (including regu-~~
 10 ~~lations) authorizing a Federal agency to manage~~
 11 ~~Federal land under the jurisdiction of the Federal~~
 12 ~~agency;~~

13 ~~(2) limits the discretion of a Federal land man-~~
 14 ~~ager to implement an approved land use plan within~~
 15 ~~the boundaries of the Heritage Area; or~~

16 ~~(3) modifies, alters, or amends any authorized~~
 17 ~~use of Federal land under the jurisdiction of a Fed-~~
 18 ~~eral agency.~~

19 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 20 **TIONS.**

21 ~~Nothing in this Act—~~

22 ~~(1) abridges the rights of any owner of public~~
 23 ~~or private property, including the right to refrain~~
 24 ~~from participating in any plan, project, program, or~~
 25 ~~activity conducted within the Heritage Area;~~

1 (2) requires any property owner to—

2 (A) permit public access (including access
3 by Federal, State, or local agencies) to the
4 property of the property owner; or

5 (B) modify public access to, or use of, the
6 property of the property owner under any other
7 Federal, State, or local law;

8 (3) alters any land use regulation, approved
9 land use plan, or other regulatory authority of any
10 Federal, State, or local agency;

11 (4) conveys any land use or other regulatory
12 authority to the management entity;

13 (5) authorizes or implies the reservation or ap-
14 propriation of water or water rights;

15 (6) diminishes the authority of the State to
16 manage fish and wildlife, including the regulation of
17 fishing and hunting within the Heritage Area; or

18 (7) creates any liability, or affects any liability
19 under any other law, of any private property owner
20 with respect to any person injured on the private
21 property.

22 **SEC. 8. EVALUATION; REPORT.**

23 (a) IN GENERAL.—Not later than 3 years before the
24 date on which authority for Federal funding terminates

1 for the Heritage Area under section 10, the Secretary
2 shall—

3 ~~(1) conduct an evaluation of the accomplish-~~
4 ~~ments of the Heritage Area; and~~

5 ~~(2) prepare a report in accordance with sub-~~
6 ~~section (c).~~

7 ~~(b) EVALUATION.—An evaluation conducted under~~
8 ~~subsection (a)(1) shall—~~

9 ~~(1) assess the progress of the management enti-~~
10 ~~ty with respect to—~~

11 ~~(A) accomplishing the purposes of this Act~~
12 ~~for the Heritage Area; and~~

13 ~~(B) achieving the goals and objectives of~~
14 ~~the approved management plan for the Heritage~~
15 ~~Area;~~

16 ~~(2) analyze the Federal, State, local, and pri-~~
17 ~~rate investments in the Heritage Area to determine~~
18 ~~the leverage and impact of the investments; and~~

19 ~~(3) review the management structure, partner-~~
20 ~~ship relationships, and funding of the Heritage Area~~
21 ~~for purposes of identifying the critical components~~
22 ~~for sustainability of the Heritage Area.~~

23 ~~(c) REPORT.—~~

24 ~~(1) IN GENERAL.—Based on the evaluation con-~~
25 ~~ducted under subsection (a)(1), the Secretary shall~~

1 prepare a report that includes recommendations for
 2 the future role of the National Park Service, if any,
 3 with respect to the Heritage Area.

4 (2) REQUIRED ANALYSIS.—If the report pre-
 5 pared under paragraph (1) recommends that Fed-
 6 eral funding for the Heritage Area be reauthorized,
 7 the report shall include an analysis of—

8 (A) ways in which Federal funding for the
 9 Heritage Area may be reduced or eliminated;
 10 and

11 (B) the appropriate time period necessary
 12 to achieve the recommended reduction or elimi-
 13 nation.

14 (3) SUBMISSION TO CONGRESS.—On completion
 15 of the report, the Secretary shall submit the report
 16 to—

17 (A) the Committee on Energy and Natural
 18 Resources of the Senate; and

19 (B) the Committee on Natural Resources
 20 of the House of Representatives.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out
 23 this Act \$10,000,000, of which not more than \$1,000,000
 24 may be made available for any fiscal year.

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this Act terminates on the date that is 15 years
4 after the date of enactment of this Act.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Northern Plains Na-*
7 *tional Heritage Area Act”.*

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *HERITAGE AREA.*—*The term “Heritage*
11 *Area” means the Northern Plains National Heritage*
12 *Area established by section 3(a).*

13 (2) *LOCAL COORDINATING ENTITY.*—*The term*
14 *“local coordinating entity” means the Northern*
15 *Plains Heritage Foundation, the local coordinating*
16 *entity for the Heritage Area designated by section*
17 *4(a).*

18 (3) *MANAGEMENT PLAN.*—*The term “manage-*
19 *ment plan” means the management plan for the Her-*
20 *itage Area required under section 5.*

21 (4) *SECRETARY.*—*The term “Secretary” means*
22 *the Secretary of the Interior.*

23 (5) *STATE.*—*The term “State” means the State*
24 *of North Dakota.*

1 **SEC. 3. ESTABLISHMENT.**

2 (a) *IN GENERAL.*—*There is established the Northern*
 3 *Plains National Heritage Area in the State of North Da-*
 4 *kota.*

5 (b) *BOUNDARIES.*—*The Heritage Area shall consist*
 6 *of—*

7 (1) *a core area of resources in Burleigh, McLean,*
 8 *Mercer, Morton, and Oliver Counties in the State;*
 9 *and*

10 (2) *any sites, buildings, and districts within the*
 11 *core area recommended by the management plan for*
 12 *inclusion in the Heritage Area.*

13 (c) *MAP.*—*A map of the Heritage Area shall be—*

14 (1) *included in the management plan; and*

15 (2) *on file and available for public inspection in*
 16 *the appropriate offices of the local coordinating entity*
 17 *and the National Park Service.*

18 **SEC. 4. LOCAL COORDINATING ENTITY.**

19 (a) *IN GENERAL.*—*The local coordinating entity for*
 20 *the Heritage Area shall be the Northern Plains Heritage*
 21 *Foundation, a nonprofit corporation established under the*
 22 *laws of the State.*

23 (b) *DUTIES.*—*To further the purposes of the Heritage*
 24 *Area, the Northern Plains Heritage Foundation, as the local*
 25 *coordinating entity, shall—*

1 (1) *prepare a management plan for the Heritage*
2 *Area, and submit the management plan to the Sec-*
3 *retary, in accordance with this Act;*

4 (2) *submit an annual report to the Secretary for*
5 *each fiscal year for which the local coordinating enti-*
6 *ty receives Federal funds under this Act, specifying—*

7 (A) *the specific performance goals and ac-*
8 *complishments of the local coordinating entity;*

9 (B) *the expenses and income of the local co-*
10 *ordinating entity;*

11 (C) *the amounts and sources of matching*
12 *funds;*

13 (D) *the amounts leveraged with Federal*
14 *funds and sources of the leveraged funds; and*

15 (E) *grants made to any other entities dur-*
16 *ing the fiscal year;*

17 (3) *make available for audit for each fiscal year*
18 *for which the local coordinating entity receives Fed-*
19 *eral funds under this Act, all information pertaining*
20 *to the expenditure of the funds and any matching*
21 *funds; and*

22 (4) *encourage economic viability and sustain-*
23 *ability that is consistent with the purposes of the Her-*
24 *itage Area.*

1 (c) *AUTHORITIES.*—*For the purposes of preparing and*
2 *implementing the approved management plan for the Her-*
3 *itage Area, the local coordinating entity may use Federal*
4 *funds made available under this Act to—*

5 (1) *make grants to political jurisdictions, non-*
6 *profit organizations, and other parties within the*
7 *Heritage Area;*

8 (2) *enter into cooperative agreements with or*
9 *provide technical assistance to political jurisdictions,*
10 *nonprofit organizations, Federal agencies, and other*
11 *interested parties;*

12 (3) *hire and compensate staff, including individ-*
13 *uals with expertise in—*

14 (A) *natural, historical, cultural, edu-*
15 *cational, scenic, and recreational resource con-*
16 *servation;*

17 (B) *economic and community development;*
18 *and*

19 (C) *heritage planning;*

20 (4) *obtain funds or services from any source, in-*
21 *cluding other Federal programs;*

22 (5) *contract for goods or services; and*

23 (6) *support activities of partners and any other*
24 *activities that further the purposes of the Heritage*

1 *Area and are consistent with the approved manage-*
 2 *ment plan.*

3 (d) *PROHIBITION ON ACQUISITION OF REAL PROP-*
 4 *ERTY.—The local coordinating entity may not use Federal*
 5 *funds authorized to be appropriated under this Act to ac-*
 6 *quire any interest in real property.*

7 (e) *OTHER SOURCES.—Nothing in this Act precludes*
 8 *the local coordinating entity from using Federal funds from*
 9 *other sources for authorized purposes.*

10 **SEC. 5. MANAGEMENT PLAN.**

11 (a) *IN GENERAL.—Not later than 3 years after the*
 12 *date of enactment of this Act, the local coordinating entity*
 13 *shall submit to the Secretary for approval a proposed man-*
 14 *agement plan for the Heritage Area.*

15 (b) *REQUIREMENTS.—The management plan for the*
 16 *Heritage Area shall—*

17 (1) *describe comprehensive policies, goals, strate-*
 18 *gies, and recommendations for telling the story of the*
 19 *heritage of the area covered by the Heritage Area and*
 20 *encouraging long-term resource protection, enhance-*
 21 *ment, interpretation, funding, management, and de-*
 22 *velopment of the Heritage Area;*

23 (2) *include a description of actions and commit-*
 24 *ments that Federal, State, tribal, and local govern-*
 25 *ments, private organizations, and citizens will take to*

1 *protect, enhance, interpret, fund, manage, and develop*
 2 *the natural, historical, cultural, educational, scenic,*
 3 *and recreational resources of the Heritage Area;*

4 (3) *specify existing and potential sources of*
 5 *funding or economic development strategies to protect,*
 6 *enhance, interpret, fund, manage, and develop the*
 7 *Heritage Area;*

8 (4) *include an inventory of the natural, histor-*
 9 *ical, cultural, educational, scenic, and recreational re-*
 10 *sources of the Heritage Area relating to the national*
 11 *importance and themes of the Heritage Area that*
 12 *should be protected, enhanced, interpreted, managed,*
 13 *funded, and developed;*

14 (5) *recommend policies and strategies for re-*
 15 *source management, including the development of*
 16 *intergovernmental and interagency agreements to pro-*
 17 *tect, enhance, interpret, fund, manage, and develop*
 18 *the natural, historical, cultural, educational, scenic,*
 19 *and recreational resources of the Heritage Area;*

20 (6) *describe a program for implementation for*
 21 *the management plan, including—*

22 (A) *performance goals;*

23 (B) *plans for resource protection, enhance-*
 24 *ment, interpretation, funding, management, and*
 25 *development; and*

1 (C) *specific commitments for implementa-*
 2 *tion that have been made by the local coordi-*
 3 *nating entity or any Federal, State, tribal, or*
 4 *local government agency, organization, business,*
 5 *or individual;*

6 (7) *include an analysis of, and recommendations*
 7 *for, means by which Federal, State, tribal, and local*
 8 *programs may best be coordinated (including the role*
 9 *of the National Park Service and other Federal agen-*
 10 *cies associated with the Heritage Area) to further the*
 11 *purposes of this Act; and*

12 (8) *include a business plan that—*

13 (A) *describes the role, operation, financing,*
 14 *and functions of the local coordinating entity*
 15 *and of each of the major activities described in*
 16 *the management plan; and*

17 (B) *provides adequate assurances that the*
 18 *local coordinating entity has the partnerships*
 19 *and financial and other resources necessary to*
 20 *implement the management plan for the Herit-*
 21 *age Area.*

22 (c) *DEADLINE.—*

23 (1) *IN GENERAL.—Not later than 3 years after*
 24 *the date on which funds are first made available to*
 25 *develop the management plan after designation of the*

1 *Heritage Area, the local coordinating entity shall sub-*
 2 *mit the management plan to the Secretary for ap-*
 3 *proval.*

4 (2) *TERMINATION OF FUNDING.—If the manage-*
 5 *ment plan is not submitted to the Secretary in ac-*
 6 *cordance with paragraph (1), the local coordinating*
 7 *entity shall not qualify for any additional financial*
 8 *assistance under this Act until such time as the man-*
 9 *agement plan is submitted to and approved by the*
 10 *Secretary.*

11 (d) *APPROVAL OF MANAGEMENT PLAN.—*

12 (1) *REVIEW.—Not later than 180 days after re-*
 13 *ceiving the plan, the Secretary shall review and ap-*
 14 *prove or disapprove the management plan for the*
 15 *Heritage Area on the basis of the criteria established*
 16 *under paragraph (2).*

17 (2) *CRITERIA FOR APPROVAL.—In determining*
 18 *whether to approve a management plan for the Herit-*
 19 *age Area, the Secretary shall consider whether—*

20 (A) *the local coordinating entity represents*
 21 *the diverse interests of the Heritage Area, includ-*
 22 *ing Federal, State, tribal, and local governments,*
 23 *natural, and historic resource protection organi-*
 24 *zations, educational institutions, businesses, rec-*

1 *reational organizations, community residents,*
2 *and private property owners;*

3 *(B) the local coordinating entity—*

4 *(i) has afforded adequate opportunity*
5 *for public and Federal, State, tribal, and*
6 *local governmental involvement (including*
7 *through workshops and hearings) in the*
8 *preparation of the management plan; and*

9 *(ii) provides for at least semiannual*
10 *public meetings to ensure adequate imple-*
11 *mentation of the management plan;*

12 *(C) the resource protection, enhancement,*
13 *interpretation, funding, management, and devel-*
14 *opment strategies described in the management*
15 *plan, if implemented, would adequately protect,*
16 *enhance, interpret, fund, manage, and develop*
17 *the natural, historic, cultural, educational, sce-*
18 *nic, and recreational resources of the Heritage*
19 *Area;*

20 *(D) the management plan would not ad-*
21 *versely affect any activities authorized on Fed-*
22 *eral land under public land laws or land use*
23 *plans;*

1 (E) the local coordinating entity has dem-
 2 onstrated the financial capability, in partner-
 3 ship with others, to carry out the plan;

4 (F) the Secretary has received adequate as-
 5 surances from the appropriate State, tribal, and
 6 local officials whose support is needed to ensure
 7 the effective implementation of the State, tribal,
 8 and local elements of the management plan; and

9 (G) the management plan demonstrates
 10 partnerships among the local coordinating enti-
 11 ty, Federal, State, tribal, and local governments,
 12 regional planning organizations, nonprofit orga-
 13 nizations, or private sector parties for implemen-
 14 tation of the management plan.

15 (3) *DISAPPROVAL.*—

16 (A) *IN GENERAL.*—If the Secretary dis-
 17 approves the management plan, the Secretary—

18 (i) shall advise the local coordinating
 19 entity in writing of the reasons for the dis-
 20 approval; and

21 (ii) may make recommendations to the
 22 local coordinating entity for revisions to the
 23 management plan.

24 (B) *DEADLINE.*—Not later than 180 days
 25 after receiving a revised management plan, the

1 *Secretary shall approve or disapprove the revised*
 2 *management plan.*

3 (4) *AMENDMENTS.*—

4 (A) *IN GENERAL.*—*An amendment to the*
 5 *management plan that substantially alters the*
 6 *purposes of the Heritage Area shall be reviewed*
 7 *by the Secretary and approved or disapproved in*
 8 *the same manner as the original management*
 9 *plan.*

10 (B) *IMPLEMENTATION.*—*The local coordi-*
 11 *nating entity shall not use Federal funds author-*
 12 *ized to be appropriated by this Act to implement*
 13 *an amendment to the management plan until the*
 14 *Secretary approves the amendment.*

15 (5) *AUTHORITIES.*—*The Secretary may—*

16 (A) *provide technical assistance under this*
 17 *Act for the development and implementation of*
 18 *the management plan; and*

19 (B) *enter into cooperative agreements with*
 20 *interested parties to carry out this Act.*

21 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

22 (a) *IN GENERAL.*—*Nothing in this Act affects the au-*
 23 *thority of a Federal agency to provide technical or financial*
 24 *assistance under any other law.*

25 (b) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

1 (1) *IN GENERAL.*—*On the request of the local co-*
 2 *ordinating entity, the Secretary may provide finan-*
 3 *cial assistance and, on a reimbursable or non-*
 4 *reimbursable basis, technical assistance to the local*
 5 *coordinating entity to develop and implement the*
 6 *management plan.*

7 (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*
 8 *may enter into cooperative agreements with the local*
 9 *coordinating entity and other public or private enti-*
 10 *ties to provide technical or financial assistance under*
 11 *paragraph (1).*

12 (3) *PRIORITY.*—*In assisting the Heritage Area,*
 13 *the Secretary shall give priority to actions that assist*
 14 *in—*

15 (A) *conserving the significant natural, his-*
 16 *toric, cultural, and scenic resources of the Herit-*
 17 *age Area; and*

18 (B) *providing educational, interpretive, and*
 19 *recreational opportunities consistent with the*
 20 *purposes of the Heritage Area.*

21 (c) *CONSULTATION AND COORDINATION.*—*To the max-*
 22 *imum extent practicable, the head of any Federal agency*
 23 *planning to conduct activities that may have an impact*
 24 *on the Heritage Area is encouraged to consult and coordi-*

1 *nate the activities with the Secretary and the local coordi-*
 2 *nating entity.*

3 (d) *OTHER FEDERAL AGENCIES.*—*Nothing in this*
 4 *Act—*

5 (1) *modifies or alters any laws (including regu-*
 6 *lations) authorizing a Federal agency to manage Fed-*
 7 *eral land under the jurisdiction of the Federal agency;*

8 (2) *limits the discretion of a Federal land man-*
 9 *ager to implement an approved land use plan within*
 10 *the boundaries of the Heritage Area; or*

11 (3) *modifies, alters, or amends any authorized*
 12 *use of Federal land under the jurisdiction of a Fed-*
 13 *eral agency.*

14 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 15 **TIONS.**

16 *Nothing in this Act—*

17 (1) *abridges the rights of any owner of public or*
 18 *private property, including the right to refrain from*
 19 *participating in any plan, project, program, or activ-*
 20 *ity conducted within the Heritage Area;*

21 (2) *requires any property owner to—*

22 (A) *permit public access (including access*
 23 *by Federal, State, or local agencies) to the prop-*
 24 *erty of the property owner; or*

1 (B) modify public access to, or use of, the
 2 property of the property owner under any other
 3 Federal, State, or local law;

4 (3) alters any duly adopted land use regulation,
 5 approved land use plan, or other regulatory authority
 6 of any Federal, State, tribal, or local agency;

7 (4) conveys any land use or other regulatory au-
 8 thority to the local coordinating entity;

9 (5) authorizes or implies the reservation or ap-
 10 propriation of water or water rights;

11 (6) diminishes the authority of the State to man-
 12 age fish and wildlife, including the regulation of fish-
 13 ing and hunting within the Heritage Area; or

14 (7) creates any liability, or affects any liability
 15 under any other law, of any private property owner
 16 with respect to any person injured on the private
 17 property.

18 **SEC. 8. EVALUATION; REPORT.**

19 (a) *IN GENERAL.*—Not later than 3 years before the
 20 date on which authority for Federal funding terminates for
 21 the Heritage Area under section 10, the Secretary shall—

22 (1) conduct an evaluation of the accomplish-
 23 ments of the Heritage Area; and

24 (2) prepare a report in accordance with sub-
 25 section (c).

1 (b) *EVALUATION.*—*An evaluation conducted under*
 2 *subsection (a)(1) shall—*

3 (1) *assess the progress of the local coordinating*
 4 *entity with respect to—*

5 (A) *accomplishing the purposes of this Act*
 6 *for the Heritage Area; and*

7 (B) *achieving the goals and objectives of the*
 8 *approved management plan for the Heritage*
 9 *Area;*

10 (2) *analyze the Federal, State, local, and private*
 11 *investments in the Heritage Area to determine the le-*
 12 *verage and impact of the investments; and*

13 (3) *review the management structure, partner-*
 14 *ship relationships, and funding of the Heritage Area*
 15 *for purposes of identifying the critical components for*
 16 *sustainability of the Heritage Area.*

17 (c) *REPORT.*—

18 (1) *IN GENERAL.*—*Based on the evaluation con-*
 19 *ducted under subsection (a)(1), the Secretary shall*
 20 *prepare a report that includes recommendations for*
 21 *the future role of the National Park Service, if any,*
 22 *with respect to the Heritage Area.*

23 (2) *REQUIRED ANALYSIS.*—*If the report prepared*
 24 *under paragraph (1) recommends that Federal fund-*

1 *ing for the Heritage Area be reauthorized, the report*
 2 *shall include an analysis of—*

3 *(A) ways in which Federal funding for the*
 4 *Heritage Area may be reduced or eliminated;*
 5 *and*

6 *(B) the appropriate time period necessary*
 7 *to achieve the recommended reduction or elimi-*
 8 *nation.*

9 *(3) SUBMISSION TO CONGRESS.—On completion*
 10 *of the report, the Secretary shall submit the report*
 11 *to—*

12 *(A) the Committee on Energy and Natural*
 13 *Resources of the Senate; and*

14 *(B) the Committee on Natural Resources of*
 15 *the House of Representatives.*

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 *(a) IN GENERAL.—There is authorized to be appro-*
 18 *priated to carry out this Act \$10,000,000, of which not more*
 19 *than \$1,000,000 may be made available for any fiscal year.*

20 *(b) COST-SHARING REQUIREMENT.—*

21 *(1) IN GENERAL.—The Federal share of the total*
 22 *cost of any activity under this Act shall be not more*
 23 *than 50 percent.*

1 (2) *FORM.—The non-Federal contribution may*
2 *be in the form of in-kind contributions of goods or*
3 *services fairly valued.*

4 ***SEC. 10. TERMINATION OF AUTHORITY.***

5 *The authority of the Secretary to provide assistance*
6 *under this Act terminates on the date that is 15 years after*
7 *the date of enactment of this Act.*

Amend the title so as to read: “A bill to establish
the Northern Plains National Heritage Area in the State
of North Dakota.”.

Calendar No. 660

110TH CONGRESS
2^D Session

S. 2098

[Report No. 110-308]

A BILL

To establish the Northern Plains Heritage Area in
the State of North Dakota.

APRIL 10, 2008

Reported with an amendment and an amendment to the
title